

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-095221

06/20/2016

HONORABLE JEFFREY A. RUETER

CLERK OF THE COURT

C. Clark

Deputy

IN RE THE MATTER OF
MATTHEW DAVID GITLIN

MATTHEW D LISZEWSKI

AND

NATOYAH WOOTEN

JACK L OCONNOR III

NICHOLAS DUGGER

NICHOLAS DUGGER

P O BOX 261

GILBERT AZ 85299

AZ DEPARTMENT OF VITAL

RECORDS

DOCKET-FAMILY COURT-SE

ORDER ENTERED BY COURT

The Court has received Petitioner's *Motion for New Trial and Motion for Relief from Order* filed June 1, 2016 and Respondent's *Response* to Same filed June 14, 2016.

Petitioner claims he was deprived of a fair trial because he was not afforded the opportunity to present evidence regarding the issue of inconvenient forum. Petitioner further objects to the proceedings because an evidentiary hearing was not held.

THE COURT FINDS that a UCCJEA conference between Arizona and Kansas was scheduled and the parties were notified by minute entry dated April 28, 2016. The parties were permitted to appear in person or telephonically. Petitioner filed a "Statement RE: UCCJEA" on May 13, 2016. Petitioner was present and represented by counsel at the hearing. Petitioner's Kansas counsel was present before Judge Rose. Both lawyers were given the opportunity to address the courts. A.R.S. §25-1010(A) provides that a court of this state may communicate with a court in another state concerning a proceeding arising under this chapter. A.R.S. §25-1010(B)

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provides that the court may allow the parties to participated in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made. A.R.S. §25-1037(A) provides that a court of this state that has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. A.R.S. §25-107(B) provides that before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. The court shall allow the parties to submit information and shall consider all relevant factors. The parties were given notice that an UCCJEA conference was scheduled and that the purpose of the hearing was to determine which state had jurisdiction. The parties were afforded the opportunity to submit facts and argument in writing and were allowed to address both courts during the hearing. Although the A.R.S. §25-1037(B) factors were not specifically listed in the minute entry, they were discussed by both courts in reaching the final determination that Arizona was the home state, but that Arizona would decline to exercise jurisdiction because Arizona was an inconvenient forum and the Kansas courts were the more appropriate court to decide the issues in this matter. All the requirements for the UCCJEA conference were complied with.

THE COURT FURTHER FINDS that the Court previously granted the motion to consolidate and then dismissed the matter. The Court failed to set aside the paternity judgment in FC 2015-095415. Setting aside the paternity judgment is supported by the evidence as a paternity test established Matthew Gitlin as the Father.

IT IS ORDERED denying the *Motion for new Trial and Motion for Relief from Order*.

Based upon the genetic testing results dated March 9, 2016 and filed March 16, 2016 under case number FC 2015-095415,

THE COURT FINDS that Intervenor, Nicholas Dugger, is not the natural father of the minor child, Landon Matthew Gitlin, born June 20, 2015.

Therefore,

IT IS ORDERED setting aside the paternity order entered in FC 2015-095415 naming Intervenor, Nicholas Dugger, as the natural father of the minor child, Landon Matthew Gitlin, born June 20, 2015.

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IT IS FURTHER ORDERED that that Arizona Department of Vital Records shall remove Intervenor's name Nicholas Dugger from the birth certificate of the minor child, Landon Matthew Gitlin, born June 20, 2015.

Information for amendment of an Arizona birth certificate may be obtained from the Maricopa County Office of Vital Records, Department of Health Services, Phone: 602-506-6805, or at www.MaricopaVitalRecords.com.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

06/21/2016

/S/ HON. JEFFREY A. RUETER

Date

The Honorable Jeffrey A. Rueter
Judge of the Superior Court

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.